

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

IN RE: BLUE CROSS BLUE SHIELD) **Master File No. 2:13-CV-20000-RDP**
ANTITRUST LITIGATION)
(MDL No. 2406)) This document relates to all cases.
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**JOINT STATUS REPORT REGARDING
STATUS OF PENDING MOTIONS TO DISMISS**

Pursuant to the Court's June 18 Order [Dkt. No. 205], the Parties hereby jointly submit this status report to inform the Court that they have conferred and agree that all pending issues raised by Defendants' motions to dismiss should be decided on the basis of the parties' written submissions without any additional oral argument. These remaining issues consist of the following:

- The Providers' per se claim related to the BlueCard program (Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 120] at Section II.B);
- The allegations of the product and geographic market, and market power allegations in support of Subscribers' antitrust claims (Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 120] at Section III; Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section I);
- The Subscribers' claims for unjust enrichment (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section III);
- The Subscribers' claims for unfair competition (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section IV);
- The Subscribers' claims relating to "most-favored nations" provisions (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section V);

- The Subscribers' claims based on an alleged unlawful agreement among certain plans operating in Pennsylvania (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section VI); and
- The inclusion of certain named plaintiffs (Supp. Brief in Supp. of Defs. Motion to Dismiss [Dkt. No. 115] at Section VII).

In addition, although the Court's June 18 Order denied the motions to dismiss for lack of personal jurisdiction and improper venue filed by certain defendants [Dkt. Nos. 107, 113, 119, 121, 122, 125, and 135] without prejudice, the Court stated in its Memorandum Opinion that these motions "will likely require further briefing." [Dkt. No. 29]. Defendants request guidance from the Court on how to proceed on these motions.

The parties will await the Court's resolution of these issues, or any guidance on further action that would assist the Court.

Dated: July 15, 2014

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CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2014, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to all counsel of record.

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